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Serbia: Extent of organized crime activities, including corruption in the police force or other government agencies; government response to these activities and state protection available to witnesses who testify against corrupt government employees (2005 - July 2007)

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Organized crime

According to a 2006 report by the Commission of the European Communities, "organised crime remains a source of serious concern" in Serbia (EU 8 Nov. 2006). The Council of Europe (COE) expresses a similar concern (COE Dec. 2005, 64). Organized crime in Serbia has been linked to human trafficking, drug trafficking, economic crime and violence (ibid.). For the 2004-2005 period, the COE estimated that there were 62 criminal groups in Serbia, with 421 members (ibid.).

Although Kosovo is part of Serbia, it is under the administration of the United Nations Interim Administrative Mission in Kosovo (UNMIK) (US 12 June 2007). In 2005, the COE reported that "Kosovo is a major market and source of organised crime, particularly for trafficking in human beings" (Dec. 2005, 64).

Corruption in police force and other government agencies

The COE reports that there is a close link between organized crime and corruption (COE 23 June 2006, 14). According to the 2007 *International Narcotics Control Strategy Report*, "corruption is endemic in Serbia and is prevalent throughout the legal infrastructure of the country" (US Mar. 2007). Transparency International's (TI) *Corruption Perceptions Index 2006* ranks Serbia 90th out of 163 countries (TI 6 Nov. 2006). In TI's *Global Corruption Barometer 2006*, 13 percent of Serbs surveyed responded that they or someone from their household had paid a bribe in the previous year (TI 7 Dec. 2006, 17). In the same poll, Serbs rated their political parties 3.9, their police 3.6 and their legal system /judiciary 3.8 on a scale from 1 to 5 (1: not at all corrupt, 5: extremely corrupt) (ibid., 21). Freedom House cites a 2005 poll conducted by the Center for Liberal-Democratic Studies (CLDS), a Belgrade-based independent public-policy think tank (CLDS n.d.), indicating that 39 percent of lawyers surveyed believed that the majority of court employees were corrupt to some degree (Freedom House 2006, 15).

Country Reports on Human Rights Practices for 2006 states that police corruption was problematic due to the interior ministry's minimal control over police behaviour (US 6 Mar. 2007, Sec. 1d). In an interview with the Serbian newspaper *Blic*, an expert in crime and sociology stated that the police's lack of education, low pay and little experience were problematic factors in the fight against organized crime (*Blic* 9 Jan. 2007).

In Kosovo, corruption is reported to be a problem in the police force and the judiciary (US 6 Mar. 2007, Sec. 1d, e). The United States Department of State's *Trafficking in Persons Report 2007* indicates that although there were reports of public officials participating in trafficking, there was no evidence of prosecutions of officials in Kosovo on related charges (US 12 June 2007; see also ibid. 6 Mar. 2007, Sec. 4). Nonetheless, on 24 March 2006, a former judge was found guilty of extortion (ibid., Sec. 1e).

Government response

Serbia ratified the United Nations (UN) Convention Against Corruption in October 2005 (COE 23 June 2006, 6); however, in 2006, TI reported that 21 percent of Serbs polled believed that their government did not fight corruption at all, while 17 percent believed that their government encouraged it (TI 7 Dec. 2006).

In 2005, the Serbian government passed new anti-corruption legislation that was well-received by international observers (Freedom House 2006, 3; Serbia 20 Sept. 2005). It criminalized active and passive bribery in both the public and private sectors (COE 23 June 2006, 4; US 12 June 2007). It also set up a specific police unit

dedicated to fighting corruption and created a directorate to fight organized crime from a pre-existing specialized unit (COE 23 June 2006, 8). Although there is a special prosecutor for organized crime, there is no such office for corruption (ibid., 14).

In March 2006, the Serbian government set up an anonymous, toll-free hotline by which residents can report corruption among customs officials (Serbia 6 Mar. 2006). In 2006, the Organization for Security and Co-operation in Europe (OSCE) and several foreign governments helped train police and other security officials on how to fight terrorism, corruption, drug production, trafficking and money laundering (US 6 Mar. 2007, Sec.1d; OSCE n.d.). Serbia also has an anti-trafficking coordinator who cooperates with international organizations, non-governmental organizations, and government agencies to combat trafficking (US 6 Mar. 2007, Sec. 5). In October 2006, the Serbian government signed an agreement with six other Balkan states to take "concerted action to fight organized crime and terrorism" (Dow Jones 16 Oct. 2006). In November 2006, the BBC reported that Serbian and Montenegrin police were meeting in an effort to cooperate against organized crime (Mina News Agency 30 Nov. 2006).

In 2006, Global Integrity rated Serbia's Anti-Corruption Law at 89 (strong), but its law enforcement at 67 (weak) (2006). The 2007 *International Narcotics Control Strategy Report* states that "the Serbian government does attempt to prosecute instances of corruption, but because it is so accepted by society, [it] is often hard to identify" (US Mar. 2007, Sec. 3). *Country Reports 2006* notes that the government approached corruption inconsistently, and that corruption investigations appeared to be politically motivated (US 6 Mar. 2007, Sec. 3). Nonetheless, numerous arrests linked to organized crime and corruption were reported in 2006-2007 (Radio Belgrade 23 Dec. 2006; Serbia 6 June 2007; ibid. 28 Sept. 2006).

In December 2006, Serbian media sources indicated that a two-year crackdown on corruption and organized crime resulted in the arrests of 357 people on charges of fraud (*Vecernje novosti* 26 Dec. 2006; Radio Belgrade 23 Dec. 2006). Between 2005 and 2006, 40 judges were charged with corruption (AP 13 Nov. 2005), one Supreme Court judge and one deputy prosecutor were charged with bribery in connection to organized crime (AFP 15 Sept. 2005), and 35 people, including judges and lawyers, were charged with offences related to corruption and organized crime (AFP 12 Oct. 2006).

Arrests related to corruption and organized crime continued in 2007: in May, 15 members of an organized crime ring (including civil servants) were arrested for their role in selling oil derivatives on the black market (Serbia 29 May 2007). In June 2007, one duty officer and nine border customs officials were arrested for the smuggling of illegal vehicles (ibid. 15 June 2007). Also in June 2007, the widow and son of former Prime Minister Slobodan Milosevic were charged with organizing an illegal smuggling ring (BBC 11 June 2007).

Country Reports 2006 calls Serbian courts "highly inefficient" and reports lengthy delays (US 6 Mar. 2007, Sec. 1e). According to the Commission of the European Communities, trials for organized crime move very slowly and "relatively few [corruption] cases are brought to justice" (EU 8 Nov. 2006, 38, 11). In June 2006, a former prosecutor received a sentence of three years' imprisonment for taking bribes from an organized criminal group (AP 21 June 2006). In July 2006, a former Supreme Court judge was tried and convicted for corruption; he received an eight-year jail term (RFE/RL 7 July 2006).

In March 2007, the Serbian Minister of Justice announced that laws were needed to allow authorities to confiscate property acquired through organized criminal activities (Serbia 15 Mar. 2007). In a May 2007 speech as Chairman of the Committee of Ministers of the Council of Europe (COE), the Foreign Affairs Minister of Serbia declared the fight against organized crime one of Serbia's priorities (COE 24 May 2007).

In Kosovo, following a March 2006 audit of every ministry and municipality, numerous transgressions were uncovered and several officials were subsequently arrested (US 6 Mar. 2007, Sec. 3). In 2006, one person was convicted of corruption, while 24 were arrested (ibid.). In June 2007, a Pristina newspaper reported that Kosovo was setting up joint teams with Macedonia to combat organized crime (*Koha Ditore* 22 June 2007). In June 2007, Kosovo police reportedly arrested seven individuals on grounds of organized criminal activity (Dow Jones 31 May 2007).

Witness protection

In 2005, the Serbian parliament passed a new witness protection plan (Freedom House 2006, 14). On 1 January 2006, the Programme for the Protection of Participants in Criminal Procedure came into force (COE 23 June 2006, 9). Although the specifics of the new legislation could not be found among the sources consulted by the Research Directorate, a report by Freedom House regarded them as "key for combating organized crime" (2006).

In June 2006, the body of Zoran Vukojevic, the star witness in the trial of the accused murderers of Serbia's former prime minister, was found burned (AP 4 June 2006; Radio B92 5 June 2006; Reuters 22 Nov. 2006), "tortured" and shot (ibid.). Both Vukojevic and those accused of killing the former prime minister were members of

the same gang (AP 4 June 2006). According to an Associated Press article, following the assassination, a member of the Serbian opposition stated that "'Serbia is again a state in which mafia can rely on the government'" (AP 4 June 2006). The head of the criminal police reportedly stated that Vukojevic refused bodyguard protection, which he was entitled to through the witness protection program (Radio B92 5 June 2006). Nonetheless, the Associated Press indicates that "October 5," a pro-democracy non-governmental organization whose name reflects the date of the fall of former President Milosevic, held the government responsible for failing to protect the witness (4 June 2006), and Belgrade's Radio B92 reports that Nenad Milic, former deputy minister of international affairs, also blames the government for failing to adequately implement the witness protection law (7 June 2006).

The US Department of State's *Trafficking in Persons Report 2007* states that in 2006, Serbia "demonstrated increased efforts to provide protection to victims and improved coordination with NGOs and international organizations" (US 12 June 2007). On 2 February 2006, the US Department of Justice presented a program to help Serbia develop a more effective witness protection program (ibid. 1 Feb. 2006). Specifically, the program's goal is to "enhance Serbia's capacity to obtain and secure witnesses and victims so that Serbia can effectively investigate, prosecute and adjudicate organized crime, war crimes, corruption, human trafficking and other cases" (ibid.). According to Human Rights Watch (HRW), in July 2006, a new criminal procedure code was put into practice (2007, 3). The code allows the use of witness pseudonyms, the change of witness' identities and the relocation of witnesses (including internationally), without the need of a special agreement between the witness and the government (HRW 2007, 3).

As for Kosovo, HRW and the OSCE's Mission in Kosovo (OSCE) indicate that the witness protection program there is inadequate (ibid.; OSCE 2006, 8, 10). The OSCE states that specific legislation regarding witness protection is needed, as is more funding, police expertise and willingness on the part of Western governments to take in witnesses who have been relocated (ibid., 11). The OSCE also found that authorities did not prosecute individuals who threatened or assaulted witnesses or revealed their identity (ibid., 12). In addition, the OSCE also describes several cases of sexual and trafficking crimes in which a "victim/witness" may have faced intimidation, but in which authorities did not request protective measures for them (ibid., 15-16).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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